

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TOBY SUROFF,

Plaintiff,

DOCKET NO.:

-against-

TARGET CORPORATION D/B/A TARGET STORE  
T-1885,

Defendant.

**NOTICE OF REMOVAL**

**Supreme Court,  
Nassau County**

Index No.:  
610353/2022

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**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK:**

Defendant, TARGET CORPORATION i/s/h/a TARGET CORPORATION  
D/B/A TARGET STORE T-1885 ("Target"), by its attorneys, SIMMONS  
JANNACE DELUCA, LLP, upon information and belief, respectfully  
petitions the Court, pursuant to 28 U.S.C. § 1441, as follows:

1. On or about August 7, 2022, the above-captioned civil  
action was commenced and is now pending in the Supreme Court of  
the State of New York, County of Nassau, bearing index number  
610353/2022. A trial has not yet been had therein. A copy of  
the Summons and Verified Complaint is annexed hereto as **Exhibit**  
**"A."** Target interposed its answer on or about August 24, 2022.  
A copy of Target's answer is annexed hereto as **Exhibit "B."**

2. The action seeks monetary damages for personal  
injuries allegedly suffered by plaintiff, Toby Suroff on August  
3, 2022 inside a Target store, located at 2003 Broadway Mall,  
Hicksville, New York 11801. The plaintiff's Verified Complaint  
sounds in negligence.

3. This action involves a controversy between citizens of different states, in that: (a) plaintiff is a citizen of the State of New York; and (b) defendant, Target Corporation is now, and was at the time the action was commenced, incorporated pursuant to the laws of the State of Minnesota with their principal places of business in Minnesota.

4. Accordingly, there is complete diversity between defendant and plaintiff and this action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332.

5. In addition, the amount in controversy requirement is satisfied as defendant received in writing from plaintiff on August 29, 2022, notice that plaintiff is demanding damages in excess of \$75,000. A copy of plaintiff's correspondence is annexed hereto as **Exhibit "C."**

6. This notice of removal is being filed within 30 days of receipt of plaintiff's demand for damages in excess of \$75,000.

7. Written notice of the filing of this Notice of Removal will be given to plaintiff promptly after the filing of this Notice. A true and correct copy of this Notice of Removal will be filed with the Clerk of the Court of the Supreme Court of the State of New York, County of Nassau promptly after the filing of this Notice.

8. Attached to this Notice, and by reference made a part hereof, are true and correct copies of all process and pleadings filed herein.

9. By filing this notice of removal, Target does not waive any defense which may be available to it, specifically including, but not limited to, its right to contest in personam jurisdiction, improper service of process and the absence of venue in this Court or the Court from which this action has been removed.

**WHEREFORE**, defendant prays that the above-captioned action now pending in the Supreme Court in the State of New York, County of Nassau, be removed therefrom to this Court.

Dated: Hauppauge, New York  
August 29, 2022

SIMMONS JANNACE DELUCA, LLP

BY: 

Ian E. Hannon

Attorneys for Defendant  
TARGET CORPORATION i/s/h/a TARGET  
CORPORATION D/B/A TARGET STORE T-  
1885

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